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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 RICHARD EDVALDS,

7 Petitioner,

8 v.

9 DOUG COLE,

10 Respondent.

Case No. C11-5589BHS

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION

11
12 This matter comes before the Court on the Report and Recommendation ("R&R") of
13 the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 7).

14 On October 27, 2011, Judge Creatura issued the R&R recommending that the Court
15 deny Petitioner's motion to proceed in forma pauperis because Petitioner's motion was
16 deficient and Petitioner failed to correct the deficiencies. Dkt. 7. On November 11, 2011,
17 Petitioner corrected the deficiencies and subsequently paid the \$5.00 filing fee. *See* Dkt. 9.

18 The Court has considered the R&R and the remaining record and does hereby find
19 and order as follows:

- 20 (1) The Court declines to adopt the R&R because Petitioner corrected his deficient
21 motion; and
22 (2) This action is reassigned to Judge Creatura for further proceedings.

23 DATED this 16th day of November, 2011.

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26 BENJAMIN H. SETTLE
27 United States District Judge
28

ORDER